

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SAS INSTITUTE INC.,

Plaintiff,

vs.

WORLD PROGRAMMING LIMITED;  
LUMINEX SOFTWARE, INC.; YUM!  
BRANDS, INC.; PIZZA HUT, INC.; and  
SHAW INDUSTRIES GROUP, INC.,

Defendants.

Civil Action No. 2:18-CV-00295-JRG

**Jury Trial Demanded**

**JOINT MOTION TO AMEND DOCKET CONTROL ORDER**

COME NOW Plaintiff SAS Institute, Inc. (“SAS”) and Defendants World Programming Limited, and Luminex Software, Inc., (collectively, the “Parties”) and pursuant to the Court’s Order on June 8, 2020 (Dkt. No. 393) hereby submit the attached proposed Amended Docket Control Order for the Court’s consideration.

The proposed order incorporates the jury selection date set by the Court. The proposed order also moves the date to notify the Court of agreements reached during the meet and confer process from June 22 to August 12. The good cause for this change is to comply with the Order’s requirement that such notifications be made no later than 1:00 p.m. three business days before the pretrial conference, which has now been rescheduled.

The Court previously reset the Pretrial Conference for August 17 and August 18. (Dkt. No. 393). Defendant World Programming respectfully requests that the Court reset the Pretrial Conference in light of trial conflicts affecting World Programming’s lead and local counsel. In particular, World Programming’s lead counsel Brad Caldwell and local counsel

Johnny Ward are scheduled to participate as lead and local counsel in a trial before Judge Schroeder, *VirnetX v. Apple*, No. 6:12-cv-00855-RWS (E.D. Tex.), with jury selection in Tyler set for August 17, 2020. World Programming's other counsel of record from Caldwell Cassady & Curry are also expected to attend the *VirnetX* trial. World Programming respectfully asks that the Pretrial Conference be scheduled during a week other than the weeks of August 3, 2020 or August 17, 2020.<sup>1</sup>

In light of the above extensions, the Parties also ask that the Court extend the date for the pretrial order and other related filings two weeks from the existing June 15 date to June 29. Good cause is present for the change because (1) the date for these submissions was originally June 22 before the trial setting was moved up from August to July, and (2) in light of the nine week continuance of the trial setting, there is now time in the schedule for the parties to devote additional time to finalize these filings and reducing areas of disagreement in them.

Dated: June 10, 2020

Respectfully submitted,

/s/ Christian E. Mammen

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<sup>1</sup> World Programming's lead counsel is also scheduled to serve as lead counsel for Match Group in the trial of *Match Group, LLC v. Bumble Trading Inc.*, in the Western District of Texas, No. 6:18-cv-00080-ADA, with jury selection presently scheduled for August 3, 2020. Given that the trial schedules in many venues are in a state of flux at the moment, WPL will notify the Court promptly should there be any changes to either trial conflict while the present request to reschedule is outstanding.

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Dated: June 10, 2020

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3)(A) on June 10, 2020.

/s/ Christian E. Mammen

Christian E. Mammen